

AMENDMENT #1 TO AGREEMENT TO PERFORM PROFESSIONAL ENGINEERING  
SERVICES FOR DOWNTOWN LOOP WATERLINE REPLACEMENT AND METER  
UPGRADES PROJECT BETWEEN THE CITY OF DURHAM AND KIMLEY-HORN AND  
ASSOCIATES, INC.

This Contract Amendment (“Amendment #1”) is dated and entered into as of the 19th day of January, 2016, between Kimley-Horn and Associates, Inc. (“Engineer”) and City of Durham (“City”).

The City and the Engineer entered into a contract titled “Agreement to Perform Professional Engineering Services for the Downtown Loop Waterline Replacement and Water Meter Upgrades between the City of Durham and Kimley-Horn and Associates, Inc.” dated June 19, 2012. Amendment #1 increases the Scope of Services and costs for the Downtown Loop Waterline Replacement and Meter Upgrades. That contract is referred to as the “Original Contract.” Amendment #1 to the Original Contract is a cost increase in engineering services for the Downtown Loop Waterline Replacement and Meter Upgrades.

The original contract was subsequently modified on July 17th, 2014 by an instrument titled “Change Order #1 to Agreement to Perform Professional Engineering Services for Downtown Loop Waterline Replacement and Meter Upgrades Project Between the City of Durham and Kimley-Horn and Associates, Inc.,” (“Change order #1”). Change Order #1 authorized \$63,200 in additional fee for services related to additional SUE, surveying, design, and public outreach efforts required beyond the original contract scope as requested during design.

The original contract was subsequently modified on December 15th, 2015 by an instrument titled “Change Order #2 to Agreement to Perform Professional Engineering Services for Downtown Loop Waterline Replacement and Meter Upgrades Project Between the City of Durham and Kimley-Horn and Associates, Inc.,” (“Change order #2”). Change Order #2 authorized \$76,800 in additional fee for services related to additional construction contract administration, construction observation, design, and public outreach efforts required beyond the original contract scope as requested.

This Amendment #1 modifies the Original Contract by adding an additional **\$237,600** to the amount of funds appropriated by Council under the original contract. The scoping letter and breakdown for this is shown in Attachment 1.

The Original Contract is hereby changed as follows:

**1. Exhibit C, Article 4 – Payments to the Engineer, C4.02, A, 1, General Administration of Construction Contract.**

The last sentence of paragraph C4.02, A, 1 is modified to read “The total compensation under this paragraph is estimated to be **\$532,720.80** based on...”

**2. Exhibit C, Article 4 – Payments to the Engineer, C4.02, A, 2, Resident Project Representative Services.**

The last sentence of paragraph C4.02, A, 2 is modified to read “The total compensation under this paragraph is estimated to be **\$293,940.00** based upon...”

- 3. E-Verify requirements.** (a) If this contract is awarded pursuant to North Carolina General Statutes (NCGS) 143-129 (i) the contractor represents and covenants that the contractor and its subcontractors comply with the requirements of Article 2 of Chapter 64 of the NCGS; (ii) the words "contractor," "contractor's subcontractors," and "comply" as used in this subsection (a) shall have the meanings intended by NCGS 143-129(j); and (iii) the City is relying on this subsection (a) in entering into this contract. (b) If this contract is subject to NCGS 143-133.3, the contractor and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NCGS.

*[SIGNATURES APPEAR ON FOLLOWING PAGES]*

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1,

ATTEST:

**KIMLEY-HORN AND ASSOCIATES, INC.**

By: Richard R. Rohrbaugh, P.E.  
Title of Officer: Senior Vice President

By: Jeremy Rivenbark, P.E.  
Title of Officer: Assistant Secretary

Corporate Seal - Engineer

Date Signed: 1/19/16

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State of North Carolina

ACKNOWLEDGMENT BY CORPORATION

County of Wake

I \_\_\_\_\_, a notary public in and for the aforesaid county and state, certify that Jeremy Rivenbark personally appeared before me this day and stated that he is Assistant Secretary of Kimley-Horn and Associates, Inc., a corporation, and that by authority duly given and as the act of the corporation, the foregoing Contract or Agreement with the City of Durham was signed in its name by its Senior Vice President, whose name is Richard R. Rohrbaugh, sealed with its corporate seal, and attested by him/herself as its said Secretary or Assistant Secretary. This the 19<sup>th</sup> day of January, 2016.

My commission expires:

\_\_\_\_\_  
Notary Public

**CITY OF DURHAM**

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_

PRE AUDIT CERTIFICATE